Paul D. Erian

DLA PIPER LLP (US)

51 John F. Kennedy Parkway, Suite 120 Short Hills, New Jersey 07078-2704

T: (973) 520-2550 F: (973) 520-2551

E-mail: paul.erian@dlapiper.com

Attorneys for Defendants Ardgah Glass Inc. (improperly pleaded as "Ardagh Glass, Inc. d/b/a Ardagh Group"), John McLarty and James Strahan

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY (CAMDEN DIVISION)

JOSEPH B. COBB, III,

Plaintiff,

v.

ARDAGH GLASS, INC. d/b/a ARDAGH GROUP; ARDAGH GLASS PACKAGING, INC. d/b/a ARDAGH GROUP; JOHN MCLARTY; JAMES STRAHAN; JOHN DOE INDIVIDUALS AND BUSINESS ENTITIES (Plural 1-10), jointly, severally and in the alternative.

Defendants.

Case No.: 1:17-CV-04399

NOTICE OF MOTION AND MOTION TO DISMISS FIRST AMENDED COMPLAINT

Document Electronically Filed

Hearing Date: Sept. 5, 2017

Oral Arguments Requested Per L.R. 78.1

TO Plaintiff and his counsel of record,

PLEASE TAKE NOTICE that on September 5, 2017, or as soon thereafter as counsel may be heard, Defendant Ardagh Glass Inc. ("Ardagh") shall move the Court to dismiss, with prejudice, Plaintiff's First Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). Please take further note that oral argument is requested pursuant to Local Rule 78.1

The Motion shall be based upon Ardagh's Motion, Brief in Support, any Reply Brief filed by Ardagh, and the pleadings and other documents on file in this matter.

PLEASE TAKE FURTHER NOTICE that a Proposed Order is filed herewith.

Respectfully submitted,

Dated: August 7, 2017

_/s/ Paul Erian

Paul D. Erian

DLA PIPER LLP (US)

51 John F. Kennedy Parkway

Suite 120

Short Hills, New Jersey 07078-2704

T: (973) 520-2550 F: (973) 520-2551

E-mail: paul.erian@dlapiper.com

Rachel Cowen

(pro hac vice motion to be filed)

DLA PIPER LLP (US)

444 W. Lake Street, 9th Floor

Chicago, IL 60606

T: (312) 368-4000

F: (312) 251-5844

E-mail: rachel.cowen@dlapiper.com

Attorneys for Defendants Ardgah Glass Inc. (improperly pleaded as "Ardagh Glass, Inc. d/b/a Ardagh Group"), John McLarty and James Strahan.